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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/696,934	
	Filing Date	October 30, 2003	
	First Named Inventor	Shao et al	
	Art Unit	3683	
	Examiner Name	Devon C. Kramer	
Total Number of Pages in This Submission		Attorney Docket Number	2448-000011

**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Fee Attached☒ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/  
Incomplete Application☐ Response to Missing  
Parts under 37 CFR  
1.52 or 1.53☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a  
Provisional Application☐ Power of Attorney, Revocation  
Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) \_\_\_\_\_☐ After Allowance Communication to  
Technology Center (TC)☐ Appeal Communication to Board of  
Appeals and Interferences☐ Appeal Communication to TC  
(Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☐ Other Enclosure(s)  
(please identify below):

Remarks

The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name W. R. Duke Taylor	Reg. No. 31,306
Signature			
Date	January 10, 2005		

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	W. R. Duke Taylor	Express Mail Label No.	EV 570 163 199 US (1/10/2005)
Signature		Date	January 10, 2005

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EV 570 163 199 US



**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 10/696,934  
Filing Date: October 30, 2003  
Applicant: Shao et al  
Group Art Unit: 3683  
Examiner: Devon C. Kramer  
Title: Friction Material Configuration And Method  
Of Manufacture For Brake Applications  
Attorney Docket: 2448-000011

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Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Restriction Requirement dated December 9, 2004, please consider the following.

The Examiner requests a restriction requirement to elect a single disclosed species under 35 U.S.C. §121. The Examiner alleges that there are eight different species.

Under the statute, an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate patents and they are either independent or distinct. (See MPEP 803)

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

A serious burden on the Examiner may be *prima facie* shown if the Examiner shows by appropriate explanation of separate classification, or separate status in the art, or a different field of search as defined in MPEP 808.02.

Here, the Examiner has failed to show such a *prima facie* case. The Examiner has failed to show that the alleged species are separately classified, have a separate status in the art, or a different field of search is required. Accordingly, the Examiner should examine all of the alleged species.

Species 1 through 8 read on Claims 1 through 9 and 11 through 28. Species 2 reads on all claims. Accordingly, Applicants believe the Examiner will find all species in his search and that a restriction requirement is unnecessary. Also, Applicants believe Claims 1 through 9 and 11 through 28 to be generic to all species, thus, Applicants believe a restriction to be unnecessary. The invention relates to a brake which includes one friction element formed from a first friction material and at least one discrete second friction element formed from a second friction material. This is shown in all of the species.

Accordingly, Applicants respectfully request reconsideration.

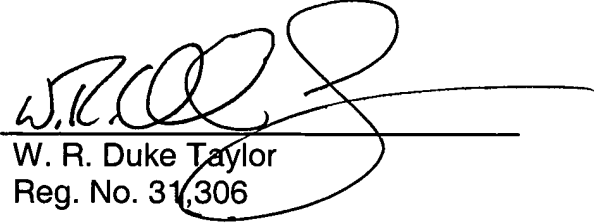
In the event that the Examiner disagrees with Applicants, Applicants respectfully request the prosecution of Species 1, Figures 1 through 3, which read on Claims 1 through 9 and 11 through 28.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: January 10, 2005

By:



W. R. Duke Taylor  
Reg. No. 31,306

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